

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
)	
Plaintiffs,)	No. 1:11-cv-08808
)	
v.)	Judge Steven C. Seeger
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC., and)	
ROSE ACRE FARMS, INC.)	
)	
Defendants.)	
)	

PLAINTIFFS' MOTION TO FILE BRIEF AND EXHIBITS UNDER SEAL

Plaintiffs Kraft Foods Global, Inc., The Kellogg Company, General Mills, Inc., and Nestlé USA, Inc. (collectively "Plaintiffs"), by their attorneys, respectfully move the Court for leave to file under seal Exhibits B, C, and E attached to Plaintiffs' Consolidated Opposition to Defendants' Motions for Judgment as a Matter of Law, for a New Trial, and to Alter or Amend the Judgment (the "Brief"), pursuant to Local Rules 5.8 and 26.2. Additionally, Plaintiffs move the Court for leave to redact portions of the Brief referencing confidential information contained in Exhibits B, C, and E from the publicly filed brief, and to file an unredacted version of the Brief under seal. In support of this motion, Plaintiffs state as follows:

1. Exhibits B, C, and E to Plaintiffs' Brief, filed today, are Plaintiffs' settlement agreements with Michael Foods, Inc. (Exhibits B and C) and Plaintiff The Kellogg Company's settlement agreement with Defendant Cal-Maine Foods, Inc. (Exhibit E). Specifically, Exhibit B is the September 27, 2019 settlement agreement between Michael Foods, Inc. and Plaintiff The Kellogg Company; Exhibit C is the September 16, 2022 settlement agreement between Michael

Foods, Inc. and Plaintiffs Kraft Foods Global, Inc., General Mills, Inc., and Nestlé USA, Inc; and Exhibit E is the October 24, 2019 settlement agreement between Plaintiff The Kellogg Company and Defendant Cal-Maine Foods, Inc. All three agreements have been designated by the settling parties as “HIGHLY CONFIDENTIAL.” Accordingly, under Case Management Order No. 10 (Protective Order), *In re Processed Egg Prods. Antitrust Litig.*, No. 08-md-02002 (E.D. Pa. Feb. 12, 2009), ECF No. 50, and pursuant to Local Rule 26.2(c), Plaintiffs have provisionally filed Exhibits B, C, and E to the Brief under seal.

2. Because portions of Plaintiffs’ Brief reference the confidential information contained in Exhibits B, C, and E, those portions of the Brief are likewise subject to the Protective Order. Accordingly, Plaintiffs have redacted those portions from the publicly filed Brief and have provisionally filed an unredacted version of the Brief under seal. *See, e.g., Medline Indus., Inc. v. C.R. Bard, Inc.*, No. 17 C 7216, 2021 WL 809734, at *1 n.2 (N.D. Ill. Mar. 3, 2021) (“The parties filed their briefs under seal along with redacted versions of the briefs. The parties also filed the exhibits to these briefs under seal.”).

3. As the Seventh Circuit has recognized, a Court may keep documents or portions thereof under seal if “there is good cause for sealing a part or the whole of the record.” *Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999); *see also* Local Rule 26.2(b) (applying “good cause” standard). The good-cause standard is satisfied if there are “legitimate concerns of confidentiality,” *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 898 (7th Cir. 1994), such as where the information in question “meet[s] the definition of trade secrets or other categories of bona fide long-term confidentiality,” *Baxter Int’l, Inc. v. Abbott Lab’ys*, 297 F.3d 544, 545 (7th Cir. 2002), as is the case for confidential settlement agreements, *see, e.g., Bennett v. Unitek Global Servs., LLC*, No. 10 C 4968, 2013 WL 1322711, at *6 (N.D. Ill. Apr. 2, 2014); *cf. Carlson v. CSX Transp., Inc.*, 710 F. App’x 700, 702 (7th Cir. 2017)

(“The initial and final settlement agreements between Carlson and CSX are confidential and have been filed under seal, so we discuss specific provisions only to the extent publicly disclosed.”).

4. Here, Plaintiffs, Michael Foods, Inc., and Defendant Cal-Maine Foods, Inc. have designated the production of the settlement agreements referenced in this motion as highly confidential pursuant to the Protective Order. Under the Protective Order, Plaintiffs are required to file these materials under seal in any court filing. This presents a legitimate concern of confidentiality and gives Plaintiffs good cause to file Exhibits B, C, and E, and the portions of the Brief referencing those exhibits, under seal.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order granting leave for Plaintiffs to file their Brief and Exhibits B, C, and E thereto under seal.

January 22, 2025

Respectfully submitted,

***Counsel for Plaintiffs Kraft Foods Global, Inc.,
General Mills, Inc., Nestlé USA, Inc. and The
Kellogg Company***

/s/ Brandon D. Fox

Brandon D. Fox

Amy M. Gallegos (*admitted pro hac vice*)

Sati Harutyunyan (*admitted pro hac vice*)

JENNER & BLOCK LLP

515 South Flower Street,

Suite 3300

Los Angeles, CA 90071

Tel: (213) 239-5100

Fax: (213) 239-5199

bfox@jenner.com

agallegos@jenner.com

sharutyunyan@jenner.com

Andrianna D. Kastanek

Angela M. Allen

Michael T. Brody

JENNER & BLOCK LLP

353 North Clark Street

Chicago, IL 60654

Tel: (312) 222-9350

Fax: (312) 527-0484

akastanek@jenner.com

aallen@jenner.com

mbrody@jenner.com